

United States Bankruptcy Court

For the NORTHERN District of IOWA

Chapter 7

IN RE:

SHEILA R. MAASS,

Debtor.

Case No. X88-00571S

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

SEP 19 1989

BARBARA A. EVERLY, CLERK

JUDGMENT

☒ This proceeding having come on for trial or hearing before the court, the Honorable William L. Edmonds, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

☐ The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED:

that trustee Donald H. Molstad recover from debtor Sheila R. Maass the sum of \$1,070.49.

copies mailed with order

9-19-89, *sm*

Vol. II
Page 148



BARBARA A. EVERLY

Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 9-19-89

By: *Laurie McElhannon*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

IN RE:

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

SHEILA R. MAASS,

SEP 19 1989

Chapter 7

Debtor.

~~BARBARA A. EVELLY, CLERK~~

Bankruptcy No. X88-00571S

ORDER RE: TRUSTEE'S MOTION FOR TURNOVER

The matter before the court is the trustee's motion for turnover of funds in the possession of the debtor at the time of the filing of the case. Hearing was held September 6, 1989 in Sioux City, Iowa. The court now issues its findings, conclusions and order. This is a core proceeding under 28 U.S.C. § 157(b)(2)(E).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Sheila R. Maass (DEBTOR) filed her chapter 7 case on April 11, 1988. Debtor claimed certain bank deposits \$1,070.49 as exempt. The trustee objected, and on September 9, 1988, an order and judgment were entered sustaining the trustee's objection to the claim of exemption.


On June 26, 1989, the trustee filed a motion seeking turnover of these funds. Debtor and her counsel appeared at the hearing on trustee's motion and although the debtor offered no defense to the motion, she did ask the court to take into consideration her inability to pay the trustee in a lump sum. The court finds that at the time of the filing of the bankruptcy case, the debtor had on

deposit in a bank in her name the sum of \$1,070.49. The debtor, following the filing of the bankruptcy case and based on her claim of exemption, spent the money. The funds on deposit at the time of the filing of the case are no longer in existence. Trustee is entitled to judgment against Sheila R. Maass in the amount of \$1,070.49.

ORDER

IT IS ORDERED that judgment shall enter that trustee Donald H. Molstad shall recover from debtor Sheila R. Maass the sum of \$1,070.49.

SO ORDERED ON THIS 19th DAY OF SEPTEMBER, 1989.



William L. Edmonds, Bankruptcy Judge

cc: Kay Dull,
Atty. for Debtor
Donald H. Molstad, Trustee
U. S. Trustee
on 9/1989, *lm*